

# Iowa Commission on Native American Affairs

---



## *Annual Report* February 2010

Lucas State Office Building  
Des Moines, IA 50319  
Tel: 515/242-5655  
Fax: 515/242-6119

Preston.Daniels@iowa.gov

<http://www.humanrights.iowa.gov>



CHESTER J. CULVER  
GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

PRESTON A. DANIELS  
DIRECTOR

DIVISIONS OF:  
COMMUNITY ACTION AGENCIES  
CRIMINAL & JUVENILE JUSTICE PLANNING  
DEAF SERVICES  
LATINO AFFAIRS  
NATIVE AMERICAN AFFAIRS  
PERSONS WITH DISABILITIES  
STATUS OF AFRICAN AMERICANS  
STATUS OF ASIAN-PACIFIC ISLANDERS  
STATUS OF WOMEN

February 1, 2010

The Honorable Chester J. Culver, Governor  
The Honorable Patty Judge, Lt Governor  
Members of the 82nd General Assembly  
State Capitol Building  
Des Moines, IA 50319

Dear Governor Culver, Lieutenant Governor Judge, and Members of the 83<sup>rd</sup> General Assembly:

The Iowa Commission on Native American Affairs (ICNAA) just completed its second year's achievements, and presents to you our 2nd Annual Report. The following pages detail the activities and programs that were carried out in calendar year 2009.

The ICNAA worked on identifying Native American rights in Iowa, and will continue to address inequities, advocating for full participation of Native Americans in the economic, social, and political life of the state. In this advocacy role, as mandated by the *Code of Iowa*, we educate, inform, and develop new ideas to bring a fresh viewpoint to bear on the issues facing Native American families in Iowa.

If you are interested in any of our concerns and issues, please call or write the ICNAA at 515/242-5655 or stop by the Commission office in the Lucas Building, and we will be happy to discuss them with you.

On behalf of our Commissioners and the staff, I thank Governor Culver, Lt. Governor Judge, and Members of the General Assembly for the commitment you have shown to improving the status of Native Americans by funding our Commission.

We look forward to working with you in 2010.

Sincerely,

Preston Daniels

Preston Daniels.  
Director



CHESTER J. CULVER  
GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

PRESTON A. DANIELS  
DIRECTOR

DIVISIONS OF:  
COMMUNITY ACTION AGENCIES  
CRIMINAL & JUVENILE JUSTICE PLANNING  
DEAF SERVICES  
LATINO AFFAIRS  
NATIVE AMERICAN AFFAIRS  
PERSONS WITH DISABILITIES  
STATUS OF AFRICAN AMERICANS  
STATUS OF ASIAN-PACIFIC ISLANDERS  
STATUS OF WOMEN

The Honorable Chester J. Culver  
The Honorable Patty Judge  
Members of the 84th General Assembly  
State Capitol Building  
Des Moines, IA 50319

Dear Governor Culver, Lieutenant Governor Judge, and Members of the 84th General Assembly:

The Iowa Commission on Native American Affairs having finished its second year continues to find issues that drastically affect the lives of the native peoples of this great state. They include, but are not limited to, losing our children to the court system, lack of respect toward the Indian Child Welfare Act, unacceptable housing, inadequate employment, disregard for the spiritual rights of people in the correctional systems, blatant disrespect, and open discrimination.

Having met with Governor Culver, the Commission feels that he has great concern for the issues facing the native peoples of the state and is willing to help resolve them. The Commission will continue to work towards having a strong relationship with state leadership and is committed to working towards finding solutions to these issues. We will bring ideas for resolution to the table of the governing body of this state, request positive responses to our ideas for resolutions, and ask for appropriate action to be taken.

Many doors have opened to us as a result of the commitment, the courage, and the strength of our Commissioners. For example, the Commission; the Native American Consultant to the Department of Corrections (DOC), Judy Morrison; and Brian Jennings, from the Governor's Office, are working with the DOC to change policy to reflect the appropriate action in regards to Spiritual practices and items within the institutions. This endeavor has been rewarding in that some of the actions that the DOC has taken has resolved some of the serious issues.

The Commission has taken a position regarding unacceptable education as it pertains to Native American heritage and culture. Our position states that Native American education, offered to school children throughout the state, should be facilitated by people of native heritage. Similarly, we have taken a position regarding spiritual and Ceremonial practices. These practices can be harmful if offered by people who do not have the right to perform the ceremonies.

These issues were addressed in a letter which states that schools must obtain approval by

the Commission, Native Cultural Center, or Tribal entity when planning to secure someone to come into the schools and provide cultural education. The same is required for those who want to provide ceremonies, sweat lodges, or other types of services where non-native influences are present.

This letter, supporting our position, will be sent to the Iowa Attorney General and Department of Education, and Davenport, Iowa, which is currently the greatest area of concern. In addition, the letter will be sent to the County Attorney and Superintendant of Schools. This letter may be submitted to any school system, local law enforcement, or any other Iowa authority that may need this information.

We, the first people of the state, being of honorable descent, respectfully submit this letter and report, and on behalf of the Commission I say Wi'Bthu-Hu, (Thank you) and E'Withea-wongithe, (for all our relations) for your commitment to the Native American population of this state.

A handwritten signature in cursive script, appearing to read "Judy Allen", is written over a horizontal line.

Judy Allen  
Chair, Iowa Commission on Native American Affairs

# **TABLE OF CONTENTS**

## **SECTION 1: Commission**

## **SECTION 2: Origin of the Commission**

## **SECTION 3: Funding**

## **SECTION 4: Commission Activities**

## **SECTION 5: Letter to Governor Chester J. Culver**

## **SECTION 6: Native Americans in Iowa**

## **SECTION 7: Native American Heritage and Veterans Day in Iowa Proclamation**

## **SECTION 8: Code of Iowa**

### **Vision Statement**

The Iowa Commission on Native American Affairs (ICNAA) envisions full participation by Native Americans in the economic, political and social life of the state of Iowa.

### **Mission Statement**

The ICNAA promotes equality for Native Americans through study and recommendations for legislative and administrative action, public information and education, and development of programs and services.

### **Core Function**

The purpose of the commission shall be to work in concert with Native American groups and Native Americans in the state to advance the interests of Native Americans in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

## SECTION 1: Commission

The Iowa Commission on Native American Affairs (ICNAA) is a state agency that seeks to assure equality for Iowa's Native American population, advocating to equalize their opportunities and to promote full participation by Iowa's Native American population in the economic, political, and social life of the state. Established in 2008 by the Iowa Legislature, the ICNAA is composed of eleven citizens appointed by the Governor and confirmed by the Senate. Four members represent each of the following tribal government which holds land in Iowa: Sac and Fox tribe of the Mississippi in Iowa, Omaha tribe of Nebraska, Winnebago tribe of Nebraska, and Ponca Tribe. Of the remaining seven public members, at least one shall be a Native American who is an enrolled tribal member living on a tribal settlement or reservation in Iowa and whose tribal government is located in Iowa. Five of the members appointed to the initial commission shall be designated by the Governor to serve two-year terms, and six shall be designated by the Governor to serve four-year terms. Succeeding appointments shall be for a term of four years. The Director of the Iowa Department of Human Rights serves ex-officio.

### Citizen Commissioners

**Judy Allen**, Council Bluffs  
term expires April 30, 2013  
(Commission Chair)

**Vicky Apala-Cuevas**, Davenport  
term expires April 30, 2011

**Joe Dan Coulter**, Iowa City  
term expires April 30, 2013

**Theresa Essmann-Mahoney**, Waterloo  
term expires April 30, 2013

**Larry Lasley**, Tama  
term expires April 30, 2013

**George Leduc**, Reinbeck  
term expires April 30, 2011

**Karen Mackey**, Sioux City  
term expires April 30, 2013

**Franklin Phillips**, Sioux City  
term expires April 30, 2011

**Greer Sisson**, Ankeny  
term expires April 30, 2011

**Judy Yellowbank**, Sioux City  
term expires April 30, 2011  
(Commission Vice-Chair)

**Preston Daniels**, *ex-officio*  
Department of Human Rights

### Commission Meetings

The ICNAA meets at least four times a year. All meetings are accessible and open to the public. 2009 meetings were:

#### January 16

Four Directions Community Center, Sioux City

#### February 17

Capitol Building, Des Moines

#### March 19

Lucas Building, Des Moines

#### April 14

Lucas Building, Des Moines

#### May 6-7

Tama

#### June 3

Four Directions Community Center, Sioux City

#### July 8

Credit Island Lodge, Hwy. 61 South, Davenport

#### September 16

Teleconference, Iowa

#### October 14

Camp Dodge, Johnston

#### November 17

Teleconference, Iowa

#### January 13

Teleconference, Iowa

## **Section 2: Origin of the Commission**

Throughout 2007, several groups of Native Americans from around the state contacted the Governor's Office seeking to build a stronger relationship between the State of Iowa, the Governor's Office and the state's Native American population. These meetings focused on the many socioeconomic challenges faced by Iowa's Native American population, particularly those living off-reservation or off-settlement. Major challenges exist in the areas of employment, housing, access to state services, eliminating discrimination. In order to enhance communications between the State and its Native American population and to examine potential actions to address the aforementioned pressing socioeconomic issues, in January 2008 the Governor filed a bill to create an Iowa Commission on Native American Affairs. After further consultation with legislators, tribal governments and Native American community groups, legislation authorizing the creation of the Commission was incorporated into Senate File 2400. Senate File 2400 was signed into law by the Governor on May 12, 2008. When Governor Culver signed the legislation he stated that:

Native Americans were the first Iowans, and the first to know this beautiful land which would become our state. This commission will show all Iowans that we as a state respect this heritage. When I became Governor, I asked all Iowans to join with me in creating One Iowa, with One Unlimited Future. To do so will take the talents and skills of every Iowan, and this Commission will help us turn our goals into a reality. I was proud to work with Iowa's Native American community, tribal governments and legislators to pass this important legislation.

The Governor appointed the Commissioners on August 28, 2008.

## SECTION 3: Funding

### Funding History

Funding for the Iowa Commission on Native American Affairs is awarded annually by the General Assembly and Governor.

#### STATE FISCAL YEAR 2009 July 1, 2008 - June 30, 2009

##### Revenue \*

State Appropriation (Through June 30, 2009)	\$6,000.00
1.5% Reduction	(\$90.00)
Appropriation Transfer within Department	<u>\$3,900.00</u>
Total Revenue	\$9,810.00

##### Expenses

(Through June 30, 2009)	
In-State Travel	(\$6,208.99)
Reimbursement to other agencies (HRE)	(\$2,400.00)
Equipment Non-Inventory	<u>(\$224.00)</u>
Total Expenditures	\$8,832.99

<u>Budget Remaining/Reverted</u>	\$977.01
(Through June 30, 2009)	

% Budget Expended through June 30, 2009	90%
% FY Complete	100%

\* It should be noted that the 2008 annual report included expenses for the commission that were paid from July 1, 2008 through December 31, 2008. This period of time, July through December 2008, is actually the first half of SFY2009. This 2009 annual report includes the expenses for the entire state fiscal year, July 1, 2008 through June 30, 2009.



## **Section 4: Commission Activities**

The commission will work in concert with Native American groups, Native Americans, the Governor's Office, Legislators, and stakeholders to advance the interests of Native Americans in the areas of human rights, civil rights, access to justice, economic equality, healthcare, and education. The commission will examine the needs of the Native American community through research, effective use of data, and citizens input using public forums and hearings. The commission will strive to assure that Native Americans are aware of existing programs within State government and how those programs can be accessed. Specific goals will be established, as well as methods of accountability.

### **2009 Activities**

#### **Meeting January 16, 2009 - Sioux City, IA.**

The business meeting included a report by Vice Chair Judy Yellowbank on the walk to Honor our lost children that took place in November 08. The Commission provided a resolution in support of this event.

Chair Allen provided for review a job description for the ICNAA Administrator position per requirement.

Director Reed discussed the 2010 budget and reported that there may not be funding for an Administrator yet.

It was discussed that the annual report be submitted with the inclusion of budget issues, also a letter be included from Chair Allen on the efforts of the Commission.

The Capitol Building display committee reported on their efforts and the need to find grants to help fund this project. They are looking at ideas that will encompass the trail of tears that we continually walk, from our past into our future with equal representation for the tribes that live in Iowa.

The Commission responded to a member from the Meskwaki tribe who had asked for help in a personal matter. While the Commission might sympathize or empathize with such issues, we cannot become involved with tribal issues but we will respond out of respect. Chair Allen submitted a letter for approval that will be sent to this individual.

Commissioner Apala-Cuevas asked that the Commission look into the problems with the Department of Corrections and the disrespect for spiritual rights of inmates and the lack of wood and rock for ceremonies, Chair Allen noted that the DOC Director and the Native American Consultant for the DOC will be invited to the next meeting.

A presentation was given by David Gleiser regarding "Youth in the Juvenile Court System" and the disparate outcomes of Native American Youth in the court system. Mr. Gleiser is one of the JDAI coordinators for Woodbury County. This sparked a conversation within the Commission regarding finding solutions to the inequality and the discrimination when working with the Native population and will be on our agenda to follow.

The meeting ended at noon and a luncheon was provided to the Commission and visitors by volunteer from the Four Directions Center and the Sioux City Dept. of Human Rights.

A public forum was held for the afternoon. Many community members attended in order to voice their opinions and views, as well as ideas for resolution. Some offered their own heartfelt stories, some cried, some were angry, but all were asking for our help. The Commission responded with a promise that their issues will be dealt within an appropriate

manor with the appropriate agencies, and will not be forgotten. As a result of this outcry from the public some major issues were identified.

1. Lack of fair and just local law enforcement
2. Child Welfare issues, the removal of children from their homes and ongoing unjustified termination of parental rights.
3. Father's rights.
4. Need for parenting skills training and home study programs.
5. Need for safe affordable housing, help with housing for those who are caught up in a foreclosures or red tagged homes.
6. Landlord abuse.
7. Lack of assistance for drug and alcohol dependency, as well as the need for treatment center and half way house as part of recovery.

### **Meeting February 17, 2009 - Capitol Bldg. Des Moines**

Chair Allen, Commissioner Leduc, Brian Jennings, and DHR Director Walter Reed met to discuss cultural sensitivity. There is a feeling that lack of understanding culture and traditions are beginning to interfere with the forward movement of the Commission. Therefore, Allen and Leduc spent the afternoon sharing their knowledge of the Native culture and what is expected for a positive working relationship for the Commission. There has been an unintentional lack of respect shown at meetings that is something that will not be tolerated. One of the goals of the Commission is to work to eliminate this kind of treatment. Understanding differences and appreciating differences will hopefully alleviate the issue. The meeting was gracefully attended.

### **Meeting March 19, 2009 - Lucas Bldg. Des Moines**

As a result of the input from community members in Sioux City, Eugene Gessow, Director of Health & Human Services (HHS), was invited to attend this meeting. He along with Mary Nelson and Alisa Horn, also from the HHS Department, attended. Discussion ensued regarding the issues in Sioux City and the need for follow-up with the allegations made by the members of the community. A transcript of the public forum, if able to do it, will be sent to the Director for review. There are an enormous number of issues regarding the treatment of Native Americans by HHS, County Attorneys, Judges, and police in the state, not just Woodbury County. That needs to be addressed. Child Welfare is at the top of the Commissions list of priorities and will continue to be evaluated for improvement. Judy Morrison, Native American Consultant for the DOC and DOC Director John Baldwin attended this meeting to discuss the need for better communication regarding the lack of respect for the spiritual rights of the men and women in the correction system. There is a disturbing lack of understanding of the Federal Native American Prisoners Freedom of Religion Act. Director Baldwin is not open to changing his system but agrees to talk with us further. Ms. Morrison will be the link for the Commission and DOC and will work with the Commission to improve the conditions in question. The Commission will work to get a meeting with the Governor to discuss pressing issues, DOC, ICWA, Commission budget.

### **Meeting April 14, 2009 - Lucas Bldg. Des Moines**

Chair Allen met with the new Director of Human Rights, Preston Daniels. This was a get-to-know-you meeting and a meeting to update him on the Commission and the work we are involved with. He, in turn, gave me his background information and we talked about how

he will be involved with the Commission.

### **Meeting May 6 -7, 2009 - Planning Meeting Tama, IA**

The Commission met for a suggested two day planning session and planned for before Director Reed left his position. The meeting began by introducing the new DHR Director, Preston Daniels. He gave a brief history of where he came from and how he planned to work with the Commission. He declined speaking to the changes in the DHR department due to the fact that he is still new to the department. Brian Jennings handed out a re-written copy of the code establishing the Commission.

Susan Aden, the Assistant Attorney General, did a briefing on the Iowa open meeting laws. This presentation was very useful and valuable as she discussed many issues that could arise.

Brian Mayer, with the Department of Administrative Services, facilitated the planning session. The purpose of the planning session was to brainstorm potential goal and strategies for the ICNAA. The session initially discussed the current mission and vision of the Commission as identified by the State of Iowa. There was discussion on the meaning and purpose and an interest was indicated in revisions to better reflect the culture on Native Americans in Iowa. The Commission further identified its strengths, weaknesses, opportunities and threats. Continuation of this planning meeting will be held to finalize our strategies.

### **Meeting June 3, 2009 - Sioux City, IA**

Chair Allen and Vice Chair Yellowbank attended a meeting in Sioux City of the Community Initiative for Family and Children. Vice Chair Yellowbank has worked with this organization since its start. The focus of course is the issues surrounding children and families in the Woodbury Co. area of Iowa, although their work has extended its efforts throughout the state, primarily in the area of Indian Child Welfare. The Commission will continue to support their efforts.

### **June Pow Wows in Iowa – June 19 through 20, 2009**

Commissioner Apala-Cuevas represented the commission at two June Pow Wows. She was able to distribute information about the Iowa Department of Human Rights, which contained contact information for the Division of Native American Affairs for interested individuals.

### **Meeting July 8, 2009 - Davenport IA**

This meeting did not have a quorum and as a result did not pass any business. There was, however, discussion on agenda items. A committee was formed to provide artwork for a banner for the Commission to be used while attending events. The artwork will also be used for Commission letterhead. Members are Joe Dan Coulter, George Leduc, and Vicky Apala-Cuevas

Commissioner Coulter reported on a two day ICWA conference at Tama that he attended. Director Daniels did a budget report. Brian Jennings reported that meetings were being held, and had been held for the past year and a half, with the Governors Office and state agencies in Sioux City to address the needs of the Native Americans in that city. There was a report on the Capitol Display by committee members Essman-Mahoney, Coulter, and Jewett. Director Daniels stated the transcripts from the open forum are available on 3 CD's or may be obtained off the website. Three presentations were provided to the Commission. Jennifer

Nesahklua presented on ICWA, Jordan Rice presented a plan for a project called “Red Spider” that he and a few others are looking to organize in Iowa, and Frank LaMere gave a presentation on Native issues.

### **Meeting August 1, 2009 - Lucas Bldg. Des Moines, IA**

Chair Allen, Preston Daniels, Judy Morrison, and John Baldwin met to discuss the issues surrounding the religious rights of Native people in the correctional facilities. Initially Director Baldwin did not want to comply and argued that he would not spend any money for wood or rock but did agree if there were other resources to supply it. This would require the facilities to make those arrangements, if they so chose. Judy M made a strong argument using the Federal Native American Prisoners Freedom of Religion Act, which states that, “No undue hardship shall be placed on any prisoners as it relates to ceremonies” as well as alternate resources that may be used to get wood and rock. Director Baldwin agreed to talk with the wardens in an effort to get their input and invited both Chair Allen and Morrison to the next wardens meeting to address the issues personally with everyone.

### **Labor Day Pow Wow – September 5 through 6, 2009**

Commissioner Apala-Cuevas represented the commission at the Labor Day weekend Pow Wow. She was able to distribute information about the Iowa Department of Human Rights, which contained contact information for the Division of Native American Affairs for interested individuals.

### **Meeting September 9, 2009 - DOC Des Moines**

Chair Allen and Judy Morrison attended a meeting with Director Baldwin and the Wardens of the state institutions. Director Baldwin did not stay for the meeting. Morrison gave a long speech on Native culture and the ceremonies associated with our way of life and the struggles we face as Indian people. She talked about the discrimination and disrespect that is shown to the inmates and where sacred items are desecrated. The majority of Wardens stated that they are willing to work with us to find a way to stop the abuse and also find ways to supply wood and rock for ceremonies. Allen and Morrison were invited to meet with Assistant Director Jerry Bartruff to go over policies and make recommendations for change.

### **Meeting September 16, 2009 - Conference Call**

Chair Allen called for the conference call to discuss who would be attending the meeting with the Governor. With quorum, it was decided that only Commissioners would go and, in order to avoid having to have an open meeting, less than five would attend. Attendee’s are Chair Allen, Vice Chair Yellowbank, Commissioner Coulter, and Commissioner Essman-Mahoney.

### **Meeting October 5, 2009 - Capitol Bldg. Des Moines, IA**

Chair Allen, Vice Chair Yellowbank, Commissioner Coulter, Commissioner Essman-Mahoney, Brian Jennings, and Kate Walton attended a meeting with Governor Culver to discuss the top priorities of the Commission: the Commission budget, Indian Child Welfare, and the Department of Corrections. Governor Culver was more than willing to listen and ask questions regarding the issues brought forth and showed genuine concern. Although the budget issues are something that he could not commit to, he understands our frustrations and

gave encouragement to continue forward. Essman-Mahoney did an excellent job presenting issues with the state and Indian Child Welfare Act. The issues with the DOC were taken into account and a letter of support for the Commission as well as the NA Consultant will be sent to the DOC and to the Wardens of each institution. Brian Jennings was instructed to attend meetings with the DOC to show the Governors support in the Commissions endeavor.

### **Meeting October 6, 2009 - DOC Des Moines, IA**

The meeting with Jerry Bartruff went well and was attended by Chair Allen, Judy Morrison, Brian Jennings, Jerry Burt the Eastern IA Deputy Director, and the State Religious Coordinator. The ideas for change submitted to them were taken into consideration and we will work to have them incorporated into the standing policy, the process for making changes to the policies was explained. The issue of wood and rock was discussed in length and we are told that all institutions will be making arrangements to have it available for ceremonies. Tobacco was discussed and a plan for ceremonial use was discussed. Another meeting is scheduled to look at a draft of the policy and discuss its contents.

### **Meeting October 14, 2009 - Camp Dodge, IA**

The resignation of one of the Commissioners was announced. Brian Jennings informed the Commission of the process that will take place to replace that position.

A lengthy discussion on the DHR reorganization was opened by Director Daniels who explained how it will affect the Commission. More information is to come.

The Capitol Display Committee of three, now being one short since the resignation of Commissioner Jewett has been replaced by Commissioner Leduc.

The Banner Committee reported they have some designs to choose from and they will be presented at the January meeting. The design will be used as a letterhead for the Commission.

There was a long discussion and suggestions for changes to the brochure that is being made for the Commission. Molly Pim and Jay Walton have been working on it.

The 7<sup>th</sup> Annual Walk for our Lost Children was discussed and support for this event by resolution will be sent to Sioux City Four Directions Center.

The Commission will request a Proclamation from the Governor for Native American Month and Native American Heritage Day. The document will be structured off the document that was submitted by Judy Yellowbank last year. While it was submitted too late to use, it is a good one.

A "Day on the Hill" was discussed and a date will be set after research is made into availability of a room, it was suggested to have it with the next meeting or the next day. The Iowa Division on Native American Affairs Administrative Policy has been started by Chair Allen with organization and formal content received by Molly Pim, and Jill Avery. There are some minor details to work out but will be finalized at the next meeting.

Brian Mayer was in attendance to finish up the planning session documents. We feel that there is more work to be done to this document and do not consider it final at this point.

### **Meeting November 9, 2009 - DOC Des Moines, IA**

Chair Allen, Brian Jennings, Judy Morrison, Jerry Bartruff, and the State Religious Coordinator attended this meeting at the Department of Corrections. We reviewed a draft of the policy in which the spiritual rights are being addressed. Judy Morrison had some additional items to include which will be looked at and suggestions will be considered for inclusion. We

will also be looking at asking for a stand-alone policy because our situations are so unique. Additional meetings will be set up to continue the process.

### **Davenport Coffee Talk – December 7, 2009**

Commissioner Apala-Cuevas, in conjunction with the Native American Coalition of the Quad Cities and the Davenport Human Rights Commission, hosted a “Coffee Talk”. The “Coffee Talk” addressed cultural and historical trauma, manifest destiny, and people of heritage with the Quad Cities community as a whole. In addition, elder stories were told.

### **Meeting January 13, 2010 Conference Call**

A conference call was set up to discuss the food for “The Day on the Hill” which has been set for January 21 proceeding a commission business meeting set for the day before on November 20.

It was decided after lengthy discussion that a dessert would be appropriate at the time we are scheduled; pastries and punch will be served. Chair Allen will make the purchase and the Commissioners will share the cost as the commission budget only allows for reimbursement of travel and lodging. Details of the event will be finalized at the meeting.

### **Meeting January 20 and “Day on the Hill” January 21 - Des Moines, IA**

Due to inclement weather both days were cancelled. Re-scheduling will be at a later date.

### **Davenport Coffee Talk – January 26, 2010**

Commissioner Apala-Cuevas, in conjunction with the Native American Coalition of the Quad Cities and the Davenport Civil Rights Commission, hosted a second “Coffee Talk”. The “Coffee Talk” addressed the past coffee talk issues and a values assessment sheet was created where cultural views were prioritized and discussed with the Quad Cities community as a whole.

## Section 5: Letter to Governor Chester J. Culver

10/05/2009

Governor Chester J. Culver:

The Iowa Commission on Native American Affairs would like to thank you for taking the time to meet with us. It is an honor and a pleasure.

I am providing you with a brief outline of the issues we are here to speak to today: the Commission budget, Spiritual issues with the Department of Corrections (DOC), and Indian Child Welfare Act and the issues surrounding the welfare of our children. The Commission is dedicated to the welfare of the Native People of this state and making positive changes in their lives, which we believe will have a positive impact on everyone.

- Commission Budget:

- The Commission, as you know, has been given a very small budget to work with; too small to actually do all that is needed, including having the number of meetings it takes to do even a small portion of the work. We are not like the other commissions. We have a place in this state that no others do and are the only people in this country that have actual government to government relations, and land in trust.

- We are not people who came from somewhere else in the world. This land was ours. Cities and towns are built on the bones and blood of our ancestors. And after surviving hundreds of years of ongoing attempts at genocide and assimilation, we are still here and continue to fight for our Sovereignty rights.

- This Commission feels that the State needs to work to acquire a budget that will afford us the ability to take on the challenges we face, a budget that will support the Commission and an administrator for our division; and staff to follow. We also ask that the position be filled with someone who is Native American as there is no way to train someone to have the understanding of our ways, our culture, our beliefs, and traditions and how to work in our best interest.

- The Commission respectfully asks that you to look into our situation to find a workable solution.

- Department of Corrections (DOC):

- It was brought to our attention that the spiritual rights of Native American inmates are not being met. Items belonging to them, that have a spiritual significance such as Eagle Feathers, Medicine Bags, Ceremonial Pipes, Prayer Ties and Sweat Lodges, are being disrespected and desecrated by the staff of the correctional facilities.

- The Commission has met with the Director of Corrections as well as with Judy Morrison who is the Native American Consultant to the DOC to find solutions to these issues. While some progress has been made and a number of the facilities are supplying wood and rock needed for ceremonies, it is not to our satisfaction. We would like to see this practice uniform at all facilities and the issue of disrespect be addressed to our satisfaction.

- The Commission respectfully asks that you remain aware of these issues as we work in concert with the Consultant and DOC to correct the provision of wood and rock for ceremonies, and eliminate the disrespect for the Native inmates and their spiritual

practices.

We respectfully ask that a letter of support be sent to the Department of Corrections on behalf of the Commission and the Native American Consultant to the DOC.

- Indian Child Welfare:

- Indian children are sacred. They are the lifeblood of our future as Tribal nations. We suffer no greater loss than when we lose a child. We are committed to protect our children, our families, our clans, and our Tribes by putting laws into place that establish that a Tribal Child's sense of belonging to his or her family, clan and Tribe must be protected and secured in all instances when a Court must step forward to help a family make decisions to regain their health and balance. This was the intent and purpose of the passage of the Indian Child Welfare Act (ICWA), and it is our charge as Commissioners to see that this happens.

The Courts of Iowa, the Department of Human Services (DHS), and the County Attorneys in this state are struggling with these concepts. Positive changes have been implemented in Woodbury County, due to the perseverance and diligence of many community activists in the area. However, these changes are not being implemented on a consistent basis statewide. The Commission would like to see further implementation of the strategies designed in Woodbury County in a number of ways.

- First, training must be made mandatory for all DHS workers. A once-a year training isn't enough. This must be a year-round effort, lead by tribal people. It should address cultural sensitivity, actual knowledge of the ICWA law, and an emphasis on the importance of the law.

- Our people are from here. We cannot travel across the Atlantic or Pacific Oceans to acquaint ourselves with our cultures, as most Anglo Saxon Americans have the opportunity to do. Our culture is here, right in the middle and throughout the great State of Iowa. It must be stressed that ICWA is necessary due to the great harm caused by misguided, albeit probably well intentioned, social workers, attorneys and judges in the past. It wasn't written to place extraordinary burdens on anyone. There are very real and personal reasons that this law is important.

- Also, the ability of DHS to call-in the Attorney General's Office when a conflict arises between DHS and the County Attorney must be made mandatory statewide. We are aware of instances where the request for the Attorney General's Office to intervene in situations where the County Attorney has chosen a path that is contrary to his or her client's wishes has been denied for reasons we are not certain of. Yet this practice is common in Woodbury County DHS when such a situation arises. It is not acceptable to the Commission for this type of inconsistency to be allowed to continue.

The Commission respectfully requests your help in looking into these matters, and addressing them in a way that will benefit all involved.

\* This letter was provided by the Chair of the Iowa Commission on Native American Affairs as presented to Governor Chester J. Culver on October 5, 2009.



## Section 6: Native Americans in Iowa: 2009

<http://www.iowadatacenter.org>

### State Data Center of Iowa

## NATIVE AMERICANS IN IOWA: 2009

The first American Indian Day was celebrated in May 1916 in New York. In 1990, President George H.W. Bush signed a joint congressional resolution designating November 1990 as "National American Indian Heritage Month." Similar proclamations have been issued every year since 1994.

### 12,644

The estimated number of Native Americans in Iowa in 2008. Census Bureau estimates a 33.0% increase in population between 2000 and 2008.

### 16,100

The projected Native American population of Iowa in 2040. According to Woods & Poole Economics Inc., Native Americans will constitute 0.5 percent of the states total population on that date.

### 3

Number of American Indian areas in Iowa, which include the Omaha, the Sac and Fox/Meskwaki, and the Winnebago. The Sac and Fox/Meskwaki Settlement is the only one in Iowa with residents, totaling 669 in 2000.

### *Families and Children*

### 2,456

The number in 2008 of American Indian and Alaska native families who reside in Iowa.

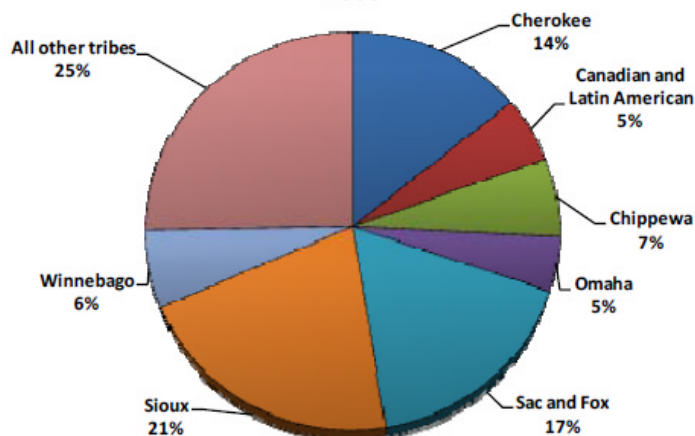
### 56.9%

Percentage of American Indian and Alaska Native children in 2000 who live with both parents compared to 78.9 percent for the state of Iowa.

### 11.1%

Percentage of American Indian and Alaska Native population under age 5, as of July 1, 2008. This group has the third highest preschool population compared to the other race or ethnic groups.

American Indians in Iowa by Selected Tribe:  
2000



## MIGRATION

**48.5%**

The percentage of American Indians and Alaska Natives in 2008 who were born in Iowa. This compares to 73.0% of the total population in Iowa who were born in the state.

**3.52**

*The average family size in 2000 for the American Indian and Alaska Native population in Iowa. The average family size in the state of Iowa is 3.0.*

**71.9%**

The percentage of American Indians and Alaska Natives in 2008 who lived in the same house last year. For the entire state of Iowa, that percentage was 83.3%.

**28.5**

*The median age of Iowa's American Indian and Alaska Native population in 2008. The median age for the state of Iowa is 38.2.*

## HOUSING

**39.6%**

The percentage of American Indians and Alaska Natives in Iowa who own their home in 2008. This compares with 72.9% for the state of Iowa.

**\$66,000**

The median value for American Indian and Alaska Native specified owner-occupied housing units in 2000. In Iowa the median value for specified owner-occupied housing units is \$82,500.

## LANGUAGE

**1,150**

The number of Iowa residents age 5 and older in 2000 who speak a Native American language at home. Among those residents, 49.6% speak Fox.



**69.3%**

The percentage of American Indians and Alaska Natives in 2008 who live in an urban area. This compares with 59.7% for the state of Iowa.

## EDUCATION

**2,855**

The number of Native Americans enrolled in the state's elementary and high schools during the 2008-2009 school year.

**71.4%**

The percentage of Iowa American Indian and Alaska Natives age 25 and over, who had at least a high school education in 2008.

**118**

Number of Iowa American Indian and Alaska Natives 25 years and older with an advanced degree in 2008. (e.g., master's, professional, doctorate.)

**16.0%**

Percent increase in Native American enrollment between the 1999-2000 school year and 2008-2009.

Source: Iowa Department of Education

**13.8%**

The percentage of Iowa American Indian and Alaska Natives age 25 and over, with a bachelor's degree or higher in 2008.

## DISABILITY

**16.0%**

The percent of Native Americans in Iowa with a disability in 2008. The percentage of all Iowans with a disability is 11.7%.



## BUSINESSES AND JOBS

### 644

The number of American Indian- and Alaska Native-owned firms in 2002.

### 32.1%

The percent decrease in American Indian- and Alaska Native-owned firms between 1997 and 2002.

### 10.3%

The unemployment rate for Iowa American Indian and Alaska Natives in 2000. The Iowa unemployment rate at that time was 4.2%.

### Industry

### 674

The number of Iowa American Indian and Alaska Natives in the manufacturing industry in 2000.

### 17.1%

The percent of American Indians and Alaska Natives in 2000 who work in the educational, health, and social services industry. Approximately 17 percent work in the arts, entertainment, recreation, accommodation and food services industry, 9.1 percent in retail trade, and 8.8 percent work in construction.

### Occupation

### 26.9%

The percent of Iowa American Indian and Alaska Natives in service occupations in 2000.

### 553

The number of Iowa American Indian and Alaska Natives in 2000 in the production occupation field. American Indians are represented in a wide variety of occupations. For instance, there are 284 in construction; 172 healthcare support; 170 cooks and food preparation; and 119 in management occupations.



## INCOME AND POVERTY

### \$26,686

The median income of Iowa American Indian and Alaska Natives households in 2008. The median household income for the state was \$48,980.

### 26.8%

The poverty rate for Iowa American Indian and Alaska Natives families in 2008. The corresponding rate for Iowa is 11.5 percent.



### Serving Our Nation

### 753

The number of Iowa American Indian and Alaska Native veterans of the U.S. armed forces in 2000.

State Data Center of  
Iowa a program of  
the State Library of  
Iowa

Miller Building  
1112 E. Grand Avenue  
Des Moines, Iowa 50319  
Phone: 800-248-4483  
Fax: 515-242-6543  
E-mail: [census@lib.state.ia.us](mailto:census@lib.state.ia.us)

**We're on the web!**  
**[www.iowadatacenter.org](http://www.iowadatacenter.org)**

Data Source (unless otherwise noted) :  
U.S. Census Bureau:  
Census 2000  
2008 American Community Survey  
2008 Population Estimates  
Photos by the U.S. Census Bureau

## COUNTIES AND CITIES

**2,228**

The number of American Indian and Alaska Natives in Woodbury County in 2008, making it largest population of American Indian and Alaska Natives in any Iowa county.

**7.0%**

The percent of total population in Tama County

who are American Indian and Alaska Natives. The next county with high percentages of American Indian and Alaska Natives is Woodbury with 2.2%.

**43.8%**

Nearly half of the total American Indian and Alaska Native population

live in Woodbury, Polk and Tama counties.

**55.8%**

Over one-half of the growth in Iowa's Native American population from 2000-2008 occurred in three counties: Polk, Linn, and Woodbury.

County	Percent of Iowa's Total American Indian and Alaska Native Population in 2008
Woodbury	17.6%
Polk	16.4%
Tama	9.8%
Linn	6.7%
Scott	5.5%
Pottawattamie	3.8%
Johnson	3.2%
Black Hawk	2.4%
Marshall	2.1%
Story	1.4%
Muscatine	1.4%
Dubuque	1.3%
Webster	1.2%
Clinton	1.2%
Des Moines	1.1%
Wapello	1.0%
All other counties	23.9%

**1,661**

The number of American Indian and Alaska Natives in Sioux City in 2000, making it largest population of American Indian and Alaska Natives in any city in Iowa.

**5.8%**

The percent of total population in Toledo who are American Indian and Alaska Natives. The other Iowa city with a high percentage is Tama with 4.8%.

**36.7%**

The percentage of Iowa's total American Indian and Alaska Natives population living in 5 cities: Sioux City, Des Moines, Davenport, Cedar Rapids and Council Bluffs.

## SECTION 7: PROCLAMATION

### NATIVE AMERICAN HERITAGE AND VETERANS DAY IN IOWA 2009

*WHEREAS, November has been declared Native American Month; and*

*WHEREAS, President Barack Obama has signed into law legislation designating the Friday following Thanksgiving as Native American Heritage Day, thereby designating November 27, 2009, as a day to pay tribute to Native Americans for their many contributions to the United States; and*

*WHEREAS, it was the indigenous people of Iowa who first consecrated the ground on which we now live and grow and flourish, and whose petitions for bountiful harvest and protection from the elements are still being heard, and*

*WHEREAS the courage, determination, and spirit of Native Americans have strengthened and continue to fortify the United States, including the United States Armed Forces; AND*

*WHEREAS, Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces including and in recognition of our POW/MIA and Code Talker brothers and sisters; and*

*WHEREAS, Native Americans have made distinct and important contributions to the United States and the world in many fields including government, agriculture, medicine, music, and art; and*

*WHEREAS, public elementary and secondary schools are encouraged to enhance student understanding of Native Americans by providing classroom instruction focusing on accurate history, achievements and contributions; and*

*WHEREAS Native Americans of Iowa are an integral and venerable part of the state's population; and*

*WHEREAS, this recognition will encourage self-esteem, pride, and self-awareness in Native Americans of all ages; and*

**NOW, THEREFORE, I, Chester J. Culver, Governor of the State of Iowa, do hereby proclaim**  
November 2009 as

**Native American Month in Iowa**  
and do further proclaim November 27, 2009, as  
**Native American Heritage Day in Iowa**  
and do further proclaim November 27, 2009, as  
**Iowa Native American Veterans Day in Iowa**

and encourage Iowans to celebrate and learn about the contributions of Iowa's Native American population.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done in Des Moines, IA this 18th day of November in the year of our Lord Two Thousand Nine.

Chester J. Culver, Governor

Attest: Michael A. Mauro, Secretary of State

## SECTION 8: Code of Iowa

The following changes to the code of Iowa were made by Senate File 2400 and House File 2700.

### DIVISION III

#### COMMISSION ON NATIVE AMERICAN AFFAIRS

Sec. 37. Section 7E.5, subsection 1, paragraphs, Code 2007, is amended to read as follows:

s. The department of human rights, created in section 216A.1, which has primary responsibility for services relating to Latino persons, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, the status of African-Americans, ~~and~~ deaf and hard-of-hearing persons, and Native-Americans.

Sec. 38. Section 216A.1, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Division on Native American affairs.

Sec. 39. NEW SECTION. 216A.161 DEFINITIONS.

For purposes of this subchapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the division on Native American affairs.

2. "Commission" means the commission on Native American affairs.

3. "Division" means the division on Native American affairs of the department of human rights.

4. "Tribal government" means the governing body of a federally recognized Indian tribe.

Sec. 40. NEW SECTION. 216A.162 ESTABLISHMENT == PURPOSE.

1. A commission on Native American affairs is established consisting of eleven voting members appointed by the governor, subject to confirmation by the senate. The members of the commission shall appoint one of the members to serve as chairperson of the commission.

2. The purpose of the commission shall be to work in concert with Native American groups and Native Americans in this state to advance the interests of tribal governments and Native American persons in the areas of human rights, access to justice, economic equality, and the elimination of discrimination.

3. The members of the commission shall be as follows:

a. Seven public members appointed in compliance with sections 69.16 and 69.16A who shall be appointed with consideration given to the geographic residence of the member and the population density of Native Americans within the vicinity of the geographic residence of a member. Of the seven public members appointed, at least one shall be a Native American who is an enrolled tribal member living on a tribal settlement or reservation in Iowa and whose tribal government is located in Iowa.

b. Four members selected by and representing tribal governments.

c. All members of the commission shall be residents of Iowa.

Sec. 41. NEW SECTION. 216A.163 TERM OF OFFICE.

Five of the members appointed to the initial commission shall be designated by the governor to serve two-year terms, and six shall be designated by the governor to serve four-year

26 16 terms. Succeeding appointments shall be for a term of four  
26 17 years. Vacancies in the membership shall be filled for the  
26 18 remainder of the term of the original appointment.

26 19 Sec. 42. NEW SECTION. 216A.164 MEETINGS OF THE  
26 20 COMMISSION.

26 21 The commission shall meet at least four times each year,  
26 22 and shall hold special meetings on the call of the  
26 23 chairperson. The commission shall adopt rules pursuant to  
26 24 chapter 17A as it deems necessary for the conduct of its  
26 25 business. The members of the commission shall be reimbursed  
26 26 for actual expenses while engaged in their official duties. A  
26 27 member may also be eligible to receive compensation as  
26 28 provided in section 7E.6.

26 29 Sec. 43. NEW SECTION. 216A.165 DUTIES.

26 30 The commission shall have all powers necessary to carry out  
26 31 the functions and duties specified in this subchapter and  
26 32 shall do all of the following:

26 33 1. Advise the governor and the general assembly on issues  
26 34 confronting Native Americans in  
26 35 this state.

27 1 2. Promote legislation beneficial to  
27 2 Native Americans in this state.

27 3 3. Recommend to the governor and the general assembly any  
27 4 revisions in the state's affirmative action program and other  
27 5 steps necessary to eliminate discrimination against and the  
27 6 underutilization of Native Americans in the state's  
27 7 workforce.

27 8 4. Serve as a conduit to state government for Native  
27 9 Americans in this state.

27 10 5. Serve as an advocate for Native Americans and a  
27 11 referral agency to assist Native Americans in securing  
27 12 access to justice and state agencies and programs.

27 13 6. Serve as a liaison with federal, state, and local  
27 14 governmental units, and private organizations on matters  
27 15 relating to Native Americans in this state.

27 16 7. Conduct studies, make recommendations, and implement  
27 17 programs designed to solve the problems of Native Americans  
27 18 in this state in the areas of human rights, housing,  
27 19 education, welfare, employment, health care, access to  
27 20 justice, and any other related problems.

27 21 8. Publicize the accomplishments of Native Americans  
27 22 and their contributions to this state.

27 23 9. Work with other state, tribal, and federal agencies and  
27 24 organizations to develop small business opportunities and  
27 25 promote economic development for Native Americans.

27 26 Sec. 44. NEW SECTION. 216A.166 REVIEW OF GRANT  
27 27 APPLICATIONS AND BUDGET REQUESTS.

27 28 Before the submission of an application, a state department  
27 29 or agency shall consult with the commission concerning an  
27 30 application for federal funding that will have its primary  
27 31 effect on Native Americans. The  
27 32 commission shall advise the governor, the director of the  
27 33 department of human rights, and the director of revenue  
27 34 concerning any state agency budget request that will have its  
27 35 primary effect on Native Americans.

28 1 28 2 Sec. 45. NEW SECTION. 216A.167 ADDITIONAL DUTIES AND  
28 3 AUTHORITY == LIMITATIONS.

28 4 1. The commission shall have responsibility for the budget  
28 5 of the commission and the division and shall submit the budget  
28 6 to the director of the department of human rights as provided  
28 7 in section 216A.2, subsection 2.

28 8 2. The commission may do any of the following:

28 9 a. Enter into contracts, within the limit of funds made

28 10 available, with individuals, organizations, and institutions  
28 11 for services.

28 12     b. Accept gifts, grants, devises, or bequests of real or  
28 13 personal property from the federal government or any other  
28 14 source for the use and purposes of the commission.

28 15     3. The commission shall not have the authority to do any  
28 16 of the following:

28 17     a. Implement or administer the duties of the state of Iowa  
28 18 under the federal Indian Gaming Regulatory Act, shall not have  
28 19 any authority to recommend, negotiate, administer, or enforce  
28 20 any agreement or compact entered into between the state of  
28 21 Iowa and Indian tribes located in the state pursuant to  
28 22 section 10A.104, and shall not have any authority relative to  
28 23 Indian gaming issues.

28 24     b. Administer the duties of the state under the federal  
28 25 National Historic Preservation Act, the federal Native  
28 26 American Graves Protection and Repatriation Act, and chapter  
28 27 263B. The commission shall also not interfere with the  
28 28 advisory role of a separate Indian advisory council or  
28 29 committee established by the state archeologist by rule for  
28 30 the purpose of consultation on matters related to ancient  
28 31 human skeletal remains and associated artifacts.

28 32     4. This subchapter shall not diminish or inhibit the right  
28 33 of any tribal government to interact directly with the state  
28 34 or any of its departments or agencies for any purpose which a  
28 35 tribal government desires to conduct its business or affairs  
29 1 as a sovereign governmental entity.

29 2     Sec. 46. NEW SECTION. 216A.168 ADMINISTRATOR.  
29 3     The commission shall designate the duties and obligations  
29 4 of the position of administrator. The administrator shall  
29 5 carry out programs and policies as determined by the  
29 6 commission. The administrator may employ other persons  
29 7 necessary to carry out the programs of the division.

29 8     Sec. 47. NEW SECTION. 216A.169 STATE AGENCY ASSISTANCE.  
29 9     On the request of the commission, state departments and  
29 10 agencies may supply the commission with advisory staff  
29 11 services on matters relating to the jurisdiction of the  
29 12 commission. The commission shall cooperate and coordinate its  
29 13 activities with other state agencies to the highest possible  
29 14 degree.

29 15     Sec. 48. NEW SECTION. 216A.170 ANNUAL REPORT.  
29 16     Not later than February 1 of each year, the commission  
29 17 shall file a report in an electronic format with the governor  
29 18 and the general assembly of its activities for the previous  
29 19 calendar year. With the report, the commission may submit any  
29 20 recommendations pertaining to its activities and shall submit  
29 21 recommendations for legislative consideration and other action  
29 22 it deems necessary.

29 23     Sec. 49. COMMISSION ON NATIVE AMERICAN AFFAIRS ==  
29 24 TRANSITION PROVISIONS.

29 25     1. The initial members of the commission established  
29 26 pursuant to this Act shall be appointed by September 1, 2008.

29 27     2. Notwithstanding any provision of this Act to the  
29 28 contrary, an administrator of the division on Native American  
29 29 affairs and employees of the division shall not be appointed  
29 30 or hired prior to July 1, 2009.

29 31     3. Prior to June 1, 2009, the commission shall submit a  
29 32 report to the director of human rights. The report shall  
29 33 include a job description for the administrator of the  
29 34 division, goals for division operations, and performance  
29 35 measures to measure achievement of division goals.



